

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

BRADLEY BROWN

PLAINTIFF

V.

CAUSE NO. 1:16-CV-139-MPM-DAS

MONROE COUNTY, SHERIFF CECIL CANTRELL,

Individually and in his official capacity as Sheriff of Monroe County,

And DEPUTY CLAYTON JONES, Individually and in his official

Capacity as Deputy Sheriff of Monroe County.

DEFENDANTS

AMENDED C O M P L A I N T

This is a civil complaint brought by the Plaintiff, negligence, state law policy violations, and violations of Plaintiffs' Eighth and Fourteenth Amendment Rights under the United States Constitution. Compensatory and punitive damages are sought against the State, and its employee prison officials, involved in the negligence, state law policy violations, and violation of Plaintiff's Eighth and Fourteenth Amendment Rights under the United States Constitution.

JURISDICTION

1.

This Court has jurisdiction of this cause under 42 U.S.C. Sec. 1983, 28 U.S.C. Secs. 1331, 1332(a), 1343, and 1367.

VENUE

2.

Venue is proper under 28 U.S.C. Sec. 1391(b)(2), in that the cause of action arises in the Northern District of Mississippi, Aberdeen Division.

PARTIES

3.

The Plaintiff is an adult resident citizen of the State of Mississippi and can be served with process through his attorney of record.

4.

Defendant Monroe County is a government entity that can be served with process through the Monroe Chancery Clerk on behalf of the Board of Supervisors of Monroe County, Mississippi.

5.

Defendant Sheriff Cecil Cantrell, is an adult resident citizen of Monroe County and can be served with process through his attorney of record.

6.

Defendant Deputy Clayton Jones, is an adult resident citizen of Monroe County and can be served with process through his attorney of record.

7.

The Defendants, for all times material to this complaint, were employees of the Monroe County Sheriff's Office. The State of Mississippi for all times material to this complaint was the employer of the Defendants.

FACTS

8.

On February 6, 2015, Plaintiff Bradley Brown was housed at the Monroe County Detention Facility in Aberdeen, Mississippi, under the custody and control of the Defendants.

9.

On February 6, 2015, Plaintiff was in his closed, locked, secured cell.

10.

Plaintiff was resting his hands in the open food tray door of his cell. He was incapable of harming others.

11.

Deputy Clayton Jones, an employee of the Monroe County Sheriff's Department became enraged at the Plaintiff, and Deputy Jones kicked the food tray door shut.

12.

February 6, 2015, Plaintiff was taken to Pioneer Community Hospital and seen at approximately 3:45 p.m.

13.

Plaintiff was treated and diagnosed with fractures of the tufts of the left hand's second and third phalanges and fractures of the tufts of the right hand's second, third, and fourth phalanges.

14.

The Defendants actions or inactions were reckless and callously indifferent to the Plaintiffs' state and federally protected rights.

FIRST CAUSE OF ACTION

15.

In light of the facts alleged hereinabove, the Defendants breached their duty, and said breach was the proximate cause of Plaintiff Brown's injury, and proximate cause of the denial of Plaintiffs' rights, constituting negligence.

SECOND CAUSE OF ACTION

16.

In light of the facts alleged hereinabove, the Defendants violated state law policy and procedures, resulting in the injury of Plaintiff Brown and the denial of Plaintiffs' rights to life and the pursuit of happiness.

THIRD CAUSE OF ACTION

17.

In light of the facts alleged hereinabove, the Defendants denied the Plaintiff's Fourteenth Amendment right to equal treatment and/or Equal Protection of the Law (of MDOC Policy and Procedure).

FOURTH CAUSE OF ACTION

18.

In light of the facts alleged hereinabove, the Defendants denied the Plaintiff's Eighth Amendment right against cruel and unusual punishment.

FIFTH CAUSE OF ACTION

19.

In light of the facts alleged hereinabove, the Defendants violated the Mississippi Tort Claims Act in violation of the Sheriff's Departments policy or custom.

DAMAGES

20.

Defendants' omissions, conduct, breaches, failures, and negligence were grossly negligent and/or were with conscious, willful, wanton, and reckless disregard for the rights of the Plaintiff, and others similarly situated, justifying an award of punitive and exemplary damages against the Defendants in the amount of \$500,000.00.

21.

As a result of Defendants' negligence and other misconduct alleged herein, Plaintiff Brown, will continue to endure physical pain and suffering, mental and emotional pain and suffering, mental anguish, mental trauma, and severe and permanent emotional distress.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands a trial by jury and requests judgment against all Defendants, individually, jointly and/or severely in the amount of \$500,000.00, including attorney fees, court costs, litigation fees, and prejudgment and post judgment interests.

RESPECTFULLY SUBMITTED, this the 4th day of January, 2017.

BRADLEY BROWN

/S/ Kerry M. Bryson

KERRY M. BRYSON, MSBN: 104519

Prepared By:

BRYSON LAW FIRM, P.L.L.C.
125 ROBINS STREET
TUPELO, MS 38804
TELEPHONE: 662-205-0008
FACSIMILE: 662-205-4258

CERTIFICATE OF SERVICE

I, Kerry M. Bryson, counsel for Plaintiff, do hereby certify that a true and correct copy of the above and foregoing *Motion for Leave of Court to Amend Complaint* has been served on the counsel of record by filing the document via the ECF filing system.

**Daniel J. Griffith
Mary McKay Lasker
Jacks, Griffith, Luciano, P.A.
Post Office Box 1209
Cleveland, Mississippi 38632**

SO CERTIFIED, this, the 4th day of January, 2017.

/s/ **Kerry M. Bryson**
Kerry M. Bryson